Secti. XI-27—45,004—14-11-29.

Revenue (1930) Department.

SERIES.

G.O. No. 2297

DATED 28-11-1930.

[Despatch Abstract.]

Irrigation - (South Kanara) - Udidi Taluk - Aroor river - Pumping Messrs. Kinni Seshagiri Rao and Denis Louis - Permission.

C.F. 31

Revenue **DEPARTMENT.**

CURRENT No.

Received 2nd NOV. 1930 19 (ASSISTANT SECRETARY TO GOVT. REVENUE DEPARTMENT)

Registered Rev 2960 B 3/11 1930.

M1 19/3/4

Subject.

Irrigation-(South Kanara)- Udipi taluk-Pumping- Installation of pumps- Arcor river- Messrs Sheshagiri Rao and Denis Louis- Permission- Collector's proposal submitted.

ENCLOSURES.
No.
Spare copies

Reference..... No. H 6280/30--1

Station Madras *Dated the* 30th October 30 19

From A.R.Mac Ewen Esq.,M.C.,I.C.S.,
Secretary,
Land Revenue.
~~The~~ Board of Revenue, ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

C.A. Souter Esq.,I.C.S.,
Commr.of Land Revenue and Settlement.

Resolution
Reference.

Read the following:-

Letter from G.N.Wells Esq., M.A.,I.C.S., Collector of South Kanara, No.R.C.C. 3451-30-A5, dated the 18th October 1930:-

Messrs Kinni Sheshagiri Rao and Denis Louis have erected pumping installations on the bank of the Arcor river for the purpose of irrigation. They have been working them without obtaining previous sanction. There are no irrigation works in this district. The river is in charge of the Revenue department. No water cess is charged in this district during the currency of the present settlement. The Assistant

A

Director of Industries has no objection to the grant of permission, nor does the Tahsildar put forward any objection. The installers of the pumping plant are willing to abide by the following conditions:-

1. That the licensee shall be responsible for any loss caused to Government or to any private party by the installation of the pumping plant.

2. That he shall remove the installation without claiming any compensation whenever required to do so by Government. cl (ii) do.

3. That the permission is given without prejudice to the rights of Government to construct any works that may be deemed necessary hereafter and to charge for water supplied from those works. cl (v) do.

4. That the permission is not to affect the right of Government to charge after the currency of the present settlement has expired for water supplied by means of the structure now allowed to be constructed. cl (vi) do.

5. That he shall pump out water for irrigation purposes only from the beginning of November till the end of May every year. Cf para 1 N. 9 y (8)

I therefore request that formal permission may be granted to Messrs Kinni Sheshagiri Rao and Denis Louis to instal and work the pumping plants. Sketches of the locality are enclosed.

Reference.

Submitted to Government.

2. The Board requests that Government will be pleased to approve the Collector's proposal to permit Messrs Kinni Sheshagiri Rao and Denis Louis to instal pumping plants on the banks of the Aroor river for the purpose of irrigation on the conditions specified in the letter.

3. In this connection the Board begs to invite the -

attention

(4) attention of Government to a similar case disposed of in G.O.No. 1367 Revenue, dated 16th July 1927.

A. Muthuswamy
Secretary.
31.10.30.

To the Secretary to Government, Revenue Department,

with 2 sketches to be retd.

M.1 .31--10

Revenue Department

2960 0320 Irrigation — (South Kanara) — Udipi Taluk — Arasu River — Pumping schemes Sahapuri Rao and Denis Lewis — Permission.

From the Board of Rev., L.A.S. no. H. 6250/30-1 d. 27/10/30.

1-3 Enc.

To A.S.

Attention is invited to the Board's Rep[te] in pgs 9-11 of G.O. 1367 Rev., dated 16-7-27, in connection with a similar case. Clauses (ii) & (iii) on p. 10 of the G.O. are unnecessary in this case as no dam is proposed to be put up.

A draft order is submitted for approval. The conditions have been slightly re-drafted. May be sent to P.W.D. & Dev for acceptance

HAC 5-11-30

6-11-30

S

Dept. See the form of conditions No. (6) - which appears also in the licence at (G) - but the licensees have agreed to fit with any stand.

7-11-30

PWD Dev.

Vide A.S. 9/2 (2)

Rev. no. 2960/320

7/11/30

V

P. W. & H. Deptt

The draft order may be accepted & the file passed on to Development

Secy
COT III/30

M
11-11-30

The general question as to ~~Disapproval of Engineering~~ the conditions ~~Proposal Conditions~~ subject to which such pumping installations are to be permitted on the banks of the tributaries of the Godavari & Krishna rivers has been referred to Govt for remarks.

In this case it is stated that there are no irrigation works in the District. The river is in charge of the Govt dept. The draft may, it seems, be accepted.

V. Dr A
Asp I.C.S.

12/11

Secy
13/11/30

Dr.

ASSISTANT SECRETARY TO GOVT
P. W. & DEVELOPMENT DEPTT

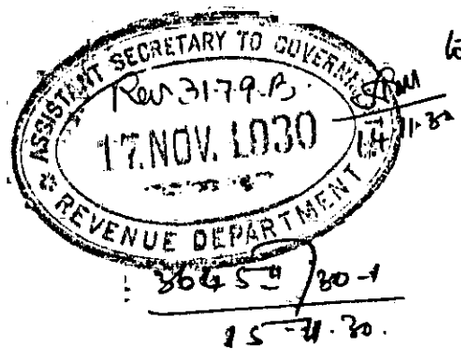
P. W. & H. no 2066 D/30-1
13/11/30

Secs. 3645-II
14-11-80.

Development Dept

To Asst. Secretary

The draft order may be



to Revenue w.o.

RC 15.11 S

SK 15.11.30

Rev

RS

may issue

SK 17.11.30

S

18.11.30

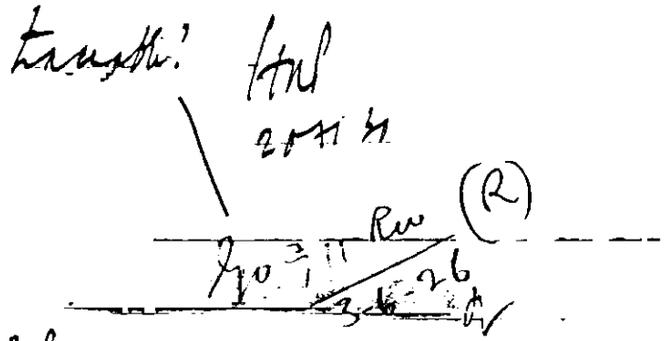
C3

Cü: 18.11.30.

Why can't we charge on the wealth now under the Income Tax Act?

19-11-30

I presume the circumstances of S.K. are similar to those of Malabar: but there S.K. Sett. certificates. In Malabar we work on leviable whether the work is done by hand (or pumping or direct flow. I remember a case in Malabar in which charge was levied on flow and was borne by water supply, Municipality Govt - discharged by Govt



Do A.S.

The circumstances of South Kanara are similar to those of Malabar.

~~Please see para 6 & para of Bengal & Eng. etc matters~~

This is no authority for 1921 Vide (N)

2. Clause 20 of South Kanara settt notification runs as under: —

"The settlement will be for a period of 30 years during which period no extra charge will be made on "dry" converted into 'wet' or 'garden' or on 'wet' converted into 'garden' or on single crop wet land converted into 'double crop wet'." This closely follows clause 21 of the Malabar settlement notification at p. 68 of fo. 997 Rev., dated 4-8-00. It has been held that the terms of the Malabar notification preclude the Govt from levying a charge for water — Please see portion marked A in Sir Norman Macfarlane's notes on p. 26 of fo. 1823 Rev., dated 24-11-25 and p. 10 of 1841 Rev., d. 25-5-26. No charge can (K) (S) (T)

be made for water in South Kanara during the currency of the present settlement. The period of the present settlement expires in 1933-1934.

4. With reference to the latter portion of the Secy's note, it is submitted that in G.O. no. 2465 Rev., dated 9-12-22, the Govt directed the the levy of waterrate for manthar irrigation from streams or rivers in the malabar district. A suit was filed against the Govt in the Palghat Addl Dt munsif's Court against the imposition and levy of water rate in accordance with this order and this led to the cancellation of the order — vide G.O. no. 911 Rev., dated 3-6-26. The Board was asked to compromise the case, if possible, Govt agreeing to abandon the claim to special assessment.

5. For orders whether the draft may issue

M

G.O. 1823/24 & 25 S

G.O. 841/25 & 26 T

R.

Ap 13-14 of T

Draft
M.K.
25/11/30

24/11/30.
25/11/30

26.11.30.
S

Issued
27/11/30

Cir: 27.11.30.
B/ Memorandum Asstt's remarks on P.
C3 27-11-30

Sect[illegible]—50,606—5-11-29.

34/28/11

Revenue DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	28/11	[illegible]
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. _____, dated _____ 19

" " " " _____ " _____ 19.

READ ALSO:—

A.O. No. 2960 From the Board of Rev., L.R.S., No. H.6280/30-1, dated 30-10-1930.

" " _____ " " _____ " _____ 19

" " _____ " " _____ " _____ 19

ORDER.

No. 2297, dated 28-11-30 19

misc.

Form Dadlet

The Govt approve the proposal of the Board of Rev. to permit messrs Kunni Sethapiri Rao and Denis Lem to instal pumping installation on the banks of the Arrow river for the purpose of irrigation subject to the conditions mentioned ~~in the letter from the Collector of South Kanara No. 345-1-30 A~~ dated 18-10-30.

(1) That the licensees shall be responsible for any

Dy. 1-2-31 : T.

To

The Board of Rev., L.R.S. with

Appl 57130.

loss caused to Govt. or to any private party by the installation of the pumping plant;

(2) that they shall remove the installation when required to do so by the Collector of the Dt;

(3) that no compensation whatever shall be payable to the licensees for such removal;

(4) that the permission shall not prejudice the right of Govt. to construct any irrigation works that they may at any time deem it necessary to construct nor the right of the Govt. to charge for water supplied from such works;

(5) that the permission shall not affect the right of Govt. to charge for water ~~taken out of~~ from the river after the currency of the present settlement and

(6) that the licensees shall not pump out water between and during the months of June and October.

6.11.30

5.11.30

6.11.30

7.11.30

Witness

29.11.30

To the Bd. of Irrn. (A.R.D.) with two statements

S.W.L.A. dept